

REQUEST FOR JUDICIAL INTERVENTION

SUPREME COURT, NEW YORK COUNTY INDEX NO. DATE PURCHASED:
114728/04 10/15/04

Plaintiff(s):

-against-

Defendant(s): SEE ATTACHED RIDER

For Clerk Only 0020008 12-6-04
IAS entry date 11/03/04 11/6/04
Judge Assigned 12-15-04
RJI Date 11/03/04

COMMERCIAL
JUDICIAL

Date issue joined: Bill of particulars served: (Y/N): [] Yes [X] No

NATURE OF JUDICIAL INTERVENTION (check ONE box only AND enter information)

- | | |
|---|--|
| <input type="checkbox"/> Request for preliminary conference | <input type="checkbox"/> Notice of petition (return date: _____)
Relief sought VAL 2 |
| <input type="checkbox"/> Note of issue and/or certificate of readiness | <input type="checkbox"/> Notice of medical or dental malpractice 114728 YEAR 2004
action (specify 6 RJI FEE 95.00
15 MOTIONS 45.00
TOTAL 140.00 |
| <input checked="" type="checkbox"/> Notice of motion (return date 12/15/04)
Relief sought Service of process/pursuant to the
Hague Convention | <input type="checkbox"/> Statement of net worth CHECK 95.00
CHECK 45.00 |
| <input type="checkbox"/> Order to show cause
(clerk enter return date _____)
Relief sought _____ | <input type="checkbox"/> Writ of habeas corpus |
| <input type="checkbox"/> Other ex parte application (specify _____) | <input type="checkbox"/> Other (specify _____)
CDS CASHIER DATE TIME PER
17446 2000 04 DEC 03 12:20 PM 60- |

NATURE OF ACTION OR PROCEEDING (Check ONE box only)**MATRIMONIAL**

- ☐ Contested -CM
☐ Uncontested -UM

COMMERCIAL

- ☐ Contract -CONT
☐ Corporate -CORP
☐ Insurance (where insurer is a party, except arbitration) -INS
☐ UCC (including sales, negotiable instruments) -UCC
☒ *Other Commercial -OC
fraudulent conveyance -OC

REAL PROPERTY

- ☐ Tax Certiorari -TAX
☐ Foreclosure -FOR
☐ Condemnation -CON
☐ Landlord/Tenant -LOR
☐ *Other Real Property -ORP

OTHER MATTERS

- ☐ * -OTH

Malpractice

- ☐ Medical/Podiatric -MM
☐ Dental -DM
☐ *Other Professional -OPM
☐ Motor Vehicle -MV
☐ *Professional Liability -PL
☐ Environmental -EN
☐ Asbestos -ASB
☐ Breast Implant -BI
☐ Other Negligence -OTN
☐ *Other Tort (including intentional) -OT

SPECIAL PROCEEDINGS

- ☐ Art. 75 (Arbitration) -ART75
☐ Art. 77 (Trusts) -ART77
☐ Art. 78 -ART78
☐ Election Law -ELEC
☐ Guardianship (MHL Art. 81) -GUARD81
☐ *Other Mental Hygiene -MHYG
☐ *Other Special Proceeding -OSP

TORTS

45 DAY RULE DATE: 2/1

FILED
DEC 21 2004
NEW YORK
COUNTY CLERK'S OFFICE

Is this action/proceeding against a

YES: NO

[] [X]

Municipality:

(Specify _____)

YES

NO

[]

[X]

Public Authority:

(Specify _____)

YES NO

[] [X]

Does this action/proceeding seek equitable relief?

[X] []

Does this action/proceeding seek recovery for personal injury?

[] [X]

Does this action/proceeding seek recovery for property damage?

Pre-Note Time Frames:

(This applies to all cases except contested matrimonials and tax certiorari cases)

Estimated time period for case to be ready for trial (from filing of RJI to filing of Note of Issue)

☐ Expedited: 0-8 months

Standard: 9-12 months

☐ Complex: 13-15 months**Contested Matrimonial Cases Only:** (Check and give date)

Has summons been served?

☐ No ☐ Yes, Date _____

Was a Notice of No Necessity filed?

☐ No ☐ Yes, Date _____**ATTORNEY(S) FOR PLAINTIFF(S):**

<u>Self Rep.*</u>	<u>Name</u>	<u>Address</u>	<u>Phone #</u>
<input type="checkbox"/>	WEITZ & LUXENBERG, P.C.	180 Maiden Lane New York, NY 10038	212-558-5500
<input type="checkbox"/>			

ATTORNEY(S) FOR DEFENDANT(S):

<u>Self Rep.*</u>	<u>Name</u>	<u>Address</u>	<u>Phone #</u>
	WINSTON & STRAWN Attorneys for Def. JP MORGAN CHASE COMPANY	200 Park Avenue New York, New York 10166	212-294-6700
	VINSON & ELKINS Attorneys for Defts. ERNST & YOUNG LLP and ERNST & YOUNG CORPORATE FINANCE LLP	666 Fifth Avenue - 26 th Floor New York, New York 10103	212-206-8000

* Self Represented: parties representing themselves, without an attorney, should check the "Self Rep." Box and enter their name, address, and phone # in the space provided above for attorneys.

INSURANCE CARRIERS:**RELATED CASES: (IF NONE, write "NONE" below)**TitleIndex #CourtNature of Relationship

NONE

I AFFIRM UNDER PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: December 1, 2004

(Signature) Gary Klein, Esq.

WEITZ & LUXENBERG, P.C.

(Print or type name)

180 Maiden Lane, New York 10038

ATTORNEYS FOR PLAINTIFFS

ATTACH RIDER SHEET IF NECESSARY TO PROVIDE REQUIRED INFORMATION

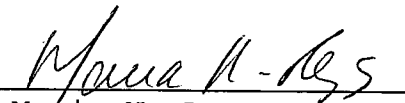
STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Maria N. Reyes, being duly sworn, deposes and says:
I am not a party to this action, I am over 18 years of age and
reside in Harriman, New York.

On, December 2, 2004 I served the within **REQUEST FOR
JUDICIAL INTERVENTION** on the attorneys listed below at the
address designated by said attorneys for that purpose by
depositing a true copy of same enclosed in a post paid properly
addressed wrapper, and delivering same to our mail clerk, who in
turn in the ordinary course of a business day, brought it to
the mail room and then mailed same by delivering it in an
official depository under the exclusive care and custody of the
United States Post Office Department within the State of New
York.

TO: James A. Beha, II, Esq.
WINSTON & STRAWN
Attorneys for Defendant
JP MORGAN CHASE COMPANY
200 Park Avenue
New York, New York 10166-4193

David R. Lurie, Esq.
VINSON & ELKINS
Attorneys for Defendants
ERNST & YOUNG LLP and
ERNST & YOUNG CORPORATE FINANCE LLP
666 Fifth Avenue - 26th Floor
New York, New York 10103



Maria N. Reyes

Sworn to before me this
2nd day of December, 2004



Notary Public

NINA AIZMAN
Notary Public, State of New York
No. 01A15037161
Qualified in Kings County
Commission Expires December 31, 20 06

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA
PAVKOVICH, Administrator of the Estate of
Rade Pavkovich, Deceased, and WARREN
ELMER HALFPAP,

Plaintiff(s),

-against-

Index No.: 114728/04

GRUPO MEXICO S. A. de C.V., a Mexican Corporation, SOUTHERN PERU HOLDING CORPORATION, a Delaware Corporation, SOUTHERN PERU HOLDING CORPORATION II, a Delaware Corporation, GRUPO MINERO MEXICO INTERNACIONAL, S. A. DE C.V., a Mexican Corporation, COMPANIA MEXICANA de COBRE, a Mexican Corporation, JP MORGAN CHASE & COMPANY f/k/a CHASE MANHATTAN BANK & TRUST COMPANY, a Delaware Corporation AMERICAS MINING CORPORATION, a Delaware Corporation, ERNST & YOUNG LLP, ERNST & YOUNG CORPORATE FINANCE, LLC, GERMAN LARREA MOTA-VAELASCO, Officer and Director of ASARCO, Inc., OSCAR GONZALES ROCHA Officer and Director of ASARCO, Inc., DANIEL TELLECHEA SALIDO Officer and Director of ASARCO, Inc.

Defendant(s)

RIDER

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: **BERNARD J. FRIED**
J.S.C.PART 60

0114728/2004

BURNS, PHILLIP NELSON
vs
GRUPO MEXICO S.A. DE C.V.INDEX NO. 114728-04MOTION DATE 12-15-04MOTION SEQ. NO. 1MOTION CAL. NO. 2

SEQ 1

OTHER RELIEFS

The following papers, numbered 1 to _____ were read on this motion to/for _____

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits

Replying Affidavits

Cross-Motion: ☐ Yes ☐ No

Upon the foregoing papers, it is ordered that this motion

This motion is GRANTED, upon the representation that this motion is unopposed by the domestic defendants who have been served to date (Affirmation in Support, dated December 1, 2004, ¶12).

SO ORDERED

FILED
DEC 21 2004
NEW YORK
COUNTY CLERK'S OFFICE

FEB. 27. 2007

Dated: 12/16/04

BERNARD J. FRIED J.S.C.
J.S.C.

Check one: ☐ FINAL DISPOSITION ☒ NON-FINAL DISPOSITIONCheck if appropriate: ☐ DO NOT POSTMOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):

COMMERCIAL DIVISION

PRESENT: **BERNARD J. FRIED**
J.S.C.

PART 60

0114728/2004

BURNS, PHILLIP NELSON
vs
GRUPO MEXICO S.A. DE C.V. **C**

SEQ 1

OTHER RELIEFS

INDEX NO. 114728-04

MOTION DATE 12-15-04

MOTION SEQ. NO. 1

MOTION CAL. NO. 2

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Answering Affidavits — Exhibits **C**

Replying Affidavits

PAPERS NUMBERED

Cross-Motion: ☒ Yes ☐ No

Upon the foregoing papers, it is ordered that this motion

264821

This motion is GRANTED, upon the representation that this motion is unopposed by the domestic defendants who have been served to date (Affirmation in Support, dated December 1, 2004, ¶2).

SO ORDERED

FILED

DEC 21 2004

NEW YORK
COUNTY CLERK'S OFFICE

Dated: 12/16/04

BERNARD J. FRIED J.S.C.
J.S.C.

Check one: ☐ FINAL DISPOSITION ☒ NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):